

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

FAMILY CAUSE NO. 196 OF 2010

IN THE MATTER OF BIRUNGI PRICILLA (INFANT)

AND

**IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP ORDER OF
BIRUNGI PRICILLA BY GADDIS CHARLES NATHAN AND GADDIS BETHANY
ELLEN.**

BEFORE: HON. MR JUSTICE B.KAINAMURA.

RULUNG

This is an application for Legal guardianship under Section 14 of the Judicature Act cap. 13, Section 98 of the Civil Procedure Act cap. 71, Order 52 Rules 1 & 2 of the Civil Procedure Rules SI 71-1 and The Children Act cap. 59.

The application is by Notice of Motion for Orders that:-

- a) Gaddis Charles Nathan and Gaddis Bethany Ellen be appointed Legal guardians of Birungi Pricilla.
- b) The infant be allowed to immigrate to the USA to live with the applicants

The grounds of the application are contained in the affidavits of the applicants but are stated briefly as follows:-

1. The child was abandoned by a woman suspected to be the child's mother at Nalongo's food kiosk in Natete Taxi Park in Kampala.
2. Efforts to trace the Child's Parents or relatives have proved futile
3. The applicants wish to provide the infant with a home, parental love and care.

4. The application is for the welfare and benefit of the infant.

The child was abandoned at Nalongo's Kiosk at Natete Taxi Park, Kampala on the 20th Jan, 2009 by a woman suspected to be the child's mother. Nalongo then reported the matter to Natete Police Station, whereupon the child was referred to An Open Door by the Family and Child Protection Unit of Natete Police Post on 21st Jan, 2010 for care and protection.

On the 19th June 2009, An Open Door – Uganda took out a care order committing the child Birungi Pricilla in the care of the home. The whereabouts of the Infant's parents are unknown. An advert was placed in the New Vision Newspaper of Tuesday, September 7, 2010 in an effort to trace the child's parents but no one has come up to claim the child.

The applicants are both American Citizens resident in Florida Naples USA. Charles Nathan is 32years old and Bethany Ellen is 31 years old. They got married on February 8, 2003 in Oregon Tennessee. They have two biological children whose pictures are on the court file – Annexure GC-1b. Nathan Gaddis is employed by First Baptist Church Naples as Worship Associate while Bethany Gaddis stays at home looking after the children. The applicants have been subject of an international Home study report by Adoption Home Study Services, Inc. of Florida. The report recommends them as suitable adoptive parents and states that:-

“Nathan and Bethany are experienced parents... Gaddis should be considered qualified candidates to adopt”.

From the information on court file, the Collier County Sheriff's Office of Sheriff Kevin J. Rambosk has found no criminal record relating to either Nathan Gaddis or Bethany Gaddis and according to the report by Adoption Home Study Services, Inc. no listing of child abuse, sexual abuse, substance abuse and domestic violence has been found since the two applicants attained majority age.

Nathan Gaddis earns a total annual salary of \$ 62,000 per annum and both applicants are able to provide a child with the benefits inherent of a middle-class lifestyle. The applicants have health insurance through Blue Cross Shield, which, under Florida law will cover any pre-existing medical conditions their child might have.

I am satisfied that the applicants on the facts available to me are suitable legal guardians of the child.

I am satisfied that it is in the infant's best interest to grant the application and accordingly, the application by Charles Nathan Gaddis and Bethany Ellen Gaddis to be appointed Legal guardians of Birungi Pricilla is granted.

The appointed legal guardians are permitted to immigrate with the child to the United States of America in order to fulfill their obligations as legal guardians.

The applicants are ordered to submit a report on the state and welfare of the child to the Registrar Family Division of the High Court of Uganda at Kampala every six months until the child is 18 years old or until directed otherwise.

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B. KAINAMURA

JUDGE

23.11.2010